

Supplement to
INFORMATION LETTER
NATIONAL CANNERS ASSOCIATION

No. 1341

Washington, D. C.

June 16, 1951

TITLE 49 - TRANSPORTATION
CHAPTER I - INTERSTATE COMMERCE COMMISSION
SUBCHAPTER A - GENERAL RULES AND REGULATIONS

PART 95 - CAR SERVICE

SERVICE ORDER NO. 878

REQUIREMENTS FOR LOADING CANNED GOODS AND FOODSTUFFS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of June, A. D. 1951.

Upon representations of the Defense Transport Administration that there is urgent need in the interest of national defense for more efficient utilization of freight cars in the transportation of canned goods and foodstuffs:

It appearing, That there is a shortage of freight cars suitable for the transportation of canned goods and foodstuffs; that by reason thereof it is necessary to regulate and control the use of such cars to assure the maximum utilization; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people.

It is ordered, That:

§ 95.878 REQUIREMENTS FOR LOADING CANNED GOODS AND FOODSTUFFS.

(a) No carrier shall accept for transportation at point of origin, forward from point of origin, or transport within any terminal area, except to complete loading; any carload shipment of canned goods and foodstuffs, canned, preserved or prepared, (not cold-pack nor frozen) in packages, in straight or mixed carloads, or in mixed carloads with other commodities, unless such car when forwarded from point of origin, or point at which car is stopped to complete loading, is loaded in accordance with one of the following requirements.

(1) The quantity loaded shall at least equal in weight the marked capacity in pounds as stencilled on the car, or as shown under the caption "Capacity" (not "Load Limit") in the Official Railroad Equipment Register, Agent M. A. Zenobia's ICC R. E. R. No. 299, supplements thereto or reissues thereof; or

(2) When the car is loaded to full visible capacity or to a weight of at least 65,000 pounds.

(3) On cars to be stopped off to complete loading thereof, the canned goods and foodstuffs loaded in the car, when leaving the stop-off point, must be loaded as provided in Paragraphs (a)(1) or (a)(2) above.

(b) Exceptions.

(1) Canned goods in glass of a capacity of one quart or less, packed in cardboard or fiberboard cartons, shall be loaded to not less than six tiers high, covering the entire floor space of the car.

(2) Canned goods in glass of a capacity greater than one quart, packed in cardboard or fiberboard cartons, shall be loaded not less than five tiers high, covering the entire floor space of the car.

(c) Exemptions. The provisions of this order shall not apply to canned goods moving under and in accordance with "clean-out" or "remnant" rules published in applicable freight tariffs lawfully on file with this Commission or state railroad regulatory bodies.

(d) Definitions. As used in this order the term:

(1) "Carrier" means any common carrier by railroad subject to the Interstate Commerce Act.

(2) "Canned goods and foodstuffs" canned, preserved or prepared, (not cold-pack nor frozen) in packages, means the commodities listed in Appendix A.

(e) Special and general permits - appointment of agent.

(1) Section (a) of this order shall be subject to any special or general permits issued by the Permit Agent named below, on application of the shipper.

(2) Howard S. Kline, Chief, Car Utilization Section, Bureau of Service, Interstate Commerce Commission, Room 5135 I.C.C. Building, Washington, D. C., is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special or general permits to meet exceptional circumstances, subject to the direction and supervision of the Director of the Bureau of Service.

(3) General permits may be issued by such permit agent, after investigation as to the need therefor, modifying or relaxing the loading requirements of this order, with respect to any such class or classes of carload canned goods and foodstuffs, or to such point or points of origin or destination, or to any areas or sections of the United States, and for such time as compliance with such requirements is impractical or would not effectively carry out the purposes of this order, or would not be in the public interest. Such an investigation may, but need not, be initiated upon the informal representations of one or more parties affected by the requirements of this order.

(4) Special permits may be issued by such permit agent to any shipper or to any carrier, when the carrier loads the car, upon application of the shipper or such carrier with respect to any shipment or shipments when the circumstances are such that compliance with the loading requirements of this order would work an exceptional or undue hardship upon such shipper or loading carrier or the receiver or receivers not suffered generally by other shippers, loading carriers, or receivers or that enforcement of such requirements against him or them would not be in the interest of the national defense or in the public interest.

(5) Applications for special permits may be made informally, orally or in writing, shall be addressed to the permit agent and shall contain the following information: (1) The name, address, and, when known, the telephone number of the consignor, and if the shipment involved is to be made from a branch or subsidiary under another name, the name, address, and telephone number of such branch or subsidiary; (2) The contents of the car; (3) The shipping point and name of the originating carrier; (4) The name, address, and, when known, the telephone number of the consignee; (5) The point at which the car is to be received by the consignee and the name of the delivering carrier; and (6) The pertinent facts and reasons which applicant believes justify issuance of the special permit sought.

(f) Application.

(1) The provisions of this order shall apply to intrastate, interstate, and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(2) The provisions of this order shall apply to all shipments from points of origin as well as transit points, on and after the effective date of this order.

(g) Regulations suspended - announcement required. The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its Agent, shall publish, file and post a supplement to each of its tariffs, affected hereby in substantial accordance with the provisions of rule 9(k) of the Commission's Tariff Circular No. 20 (§ 141.9(k) of this Chapter), announcing such suspension.

(h) Effective date. This order shall become effective at 12:01 a.m.; July 1, 1951.

(i) Expiration date. This order shall expire at 11:59 p.m., November 30, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction be served upon the state railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402; 41 Stat. 476, Sec. 4; 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

By the Commission, Division 3.

W. P. BARTEL,

Secretary.

(SEAL)

APPENDIX A

Beans, with or without pork ingredients	Oil, salad or cooking, liquid
Bread, brown	Olive Oil
Bread, date and nut	Olives
Broths	Pectin, fruit or vegetable
Butter, fruit	Pepper Sauce
Butter, peanut (Peanut Paste)	Pickles
Buttermilk, condensed or evaporated	Pimentos
Buttermilk, powdered or flaked	Popcorn
Catsup	Salad Dressing
Cider	Salads, fish, macaroni, meat or vegetable
Chowders	Sandwich Spreads
Clam Juice	Sauces, table
Cocoanut, prepared	Sauerkraut, Sauerkraut Brine or Sauerkraut Juice
Cucumbers, in brine, in packages	Soup Ingredient
Dill weed	Soups
Fish, other than fresh	Syrup, grape
Fish combined with vegetables	Syrup, malt or malted, not medicated
Fish Balls	Syrup, other than coloring, flavoring or medicated
Fish Flakes	Tomato Juice
Fish Roe	Tomato Paste
Fruit, crushed, not dried	Tomato Puree
Fruit Jam	Tomato Pulp
Fruit Jellies	Vegetable Juices
Fruit, other than fresh	Vegetables, other than fresh
Fruit Pulps	Vinegar, in packages
Fruit Juice, not frozen	Whey
Fruit Salad	
Grape Juice, unfermented	
Hominy	
Honey, strained	
Horseradish	
Jams, Jellies or Preserves	
Jelly, corn syrup	
Macaroni, Noodles, Spaghetti or Vermicelli, prepared, with or without cheese, meat, vegetables or hominy	
Malt Powder	
Milk, condensed or evaporated	
Milk, powdered or flaked	
Milk, malted	
Milk Solids, powdered or flaked	
Mincemeat	
Molasses	
Mush	
Mushrooms, other than fresh, in liquid	
Mustard	